

### REMARKS

The Applicants would like to thank Examiner Kuo Woo for the courtesies extended to the Applicants' representative during the telephonic interview of October 29, 2009. During the interview, proposed claim amendments were discussed with respect to the cited references.

The Office Action of July 30, 2009 has been reviewed and the Examiner's comments carefully considered. The present Amendment modifies claims 1, 5, 20, and 25 all in accordance with the specification. No new matter has been added. Support for the amendments can be found in the present application at paragraphs [0059]-[0064]. Claims 1-21, and 25-27 are pending in this application, and claims 1, 20, and 25 are in independent form.

Claims 1-20 and 25-26 stand rejected under 35 U.S.C. § 102(e) for anticipation by United States Patent No. 7,395,077 to Wilson et al. (hereinafter "the Wilson patent").

#### Cited Prior Art

The Wilson patent is directed to a method of controlling delivery of SMS messages to a subscriber in a telephone communications network. More specifically, the Wilson patent describes a system utilizing two additional SMS routers, the first acting as a pseudo-HLR, which routes either all messages or only messages for a recipient who has configured special delivery settings, to the address of the second additional SMS router in the destination network. The pseudo-HLR is placed schematically before the HLR and queries information from the HLR, such as whether a user in the network has selected a mode of delivery including fax and email, which is implemented on an SMS router which is part of the user's home network.

#### The Prior Art does Not Anticipate Each Limitation of the Methods and Systems of Independent Claims 1, 20, and 25

As set forth in MPEP §2143.03, to establish *prima facie* obviousness of a claimed invention, the prior art must teach each and every claim limitation. Where claimed limitations are simply not present in the prior art, a *prima facie* rejection is not supported. Accordingly, since the Wilson patent fails to disclose all of the elements in independent claims 1, 21, and 25, reconsideration of the rejection of these claims is respectfully requested.

Replacing HLR address

Independent claims 1, 20, and 25 of the present application as amended require replacing an address, namely, in a Smart Services Control Node (SSCN), the mobile network location address of a second subscriber in an HLR query response is replaced with the network location address of the smart services control node. The limitation of replacing as amended specifically requires actual substitution in an HLR query of one address for another. In addition, the amended claims require this substitution occur on the SSCN. The present invention enables the message system to continue to transact as normal with the additional enhancement of a smart services handler operating transparently in the system. The Wilson patent does not disclose this limitation.

In the present Office Action, the Examiner cites the Wilson patent as the primary reference. The system of the Wilson patent uses routers to re-route messages and break the transaction flow completely. The original transaction flows between the source smart message service center (SMSC) and the destination HLR, however, in the Wilson patent, an SMS router is added to act as a pseudo-HLR and generate a response to the HLR query before it reaches the actual HLR, giving the address of the SMS router in the destination network as stated, "The SMS Router may then respond on behalf of the HLR" (see the Wilson patent, col. 4, ll. 44-50). The HLR query would, therefore, never reach the HLR and the broken transaction flow indicates that the functions normally performed on the HLR would either not be replicated or would require additional queries and interfaces.

In addition, because the re-routing in the Wilson patent bypasses the HLR where important transaction information normally originate and causes a broken transaction, the second SMS router will have to act as a proxy SMSC. The first SMS router the pseudo-HLR, when it re-routes, cannot provide information normally available to an HLR, therefore, further steps are needed, such as information from an SMSC. In order to obtain status, availability, provision and de-provision of services, the second SMS router will necessarily have to query the real HLR to obtain this status and availability information and, therefore, becomes a proxy SMSC.

Further, in the present Office Action, the Examiner has argued redirection is the same as replacement (see the Office Action, p. 4, l. 18). The Examiner states that the SMS router responds on behalf of the HLR and instead of directing the MT text message to the destination mobile as the HLR would have done, it directs the message to be routed to an

SMS router and therefore, is a redirection (see the Office Action, p. 4, ll. 13-19). Applicants' respectfully disagree that redirection corresponds to replacement. As stated previously, the amended claims require replacing, i.e., substituting the mobile network location address of a second subscriber in an HLR query response with the network location address of the smart services control node. In addition, the amended claims require this substitution occur at the SSCN. The Wilson patent does not disclose replacing the HLR query response by changing an address therein. The Examiner has not shown an example of replacing the HLR query response in the Wilson patent but rather has concluded that redirection is the same. Applicants' respectfully disagree that the Wilson patent actually teaches replacement because after the second SMS router receives the HLR message, it attempts delivery and if unsuccessful it passes control back to the source SMSC for "normal retry according to its internal schedule" (see the Wilson patent, col. 6, ll. 23-25). This gives indication that the system in the Wilson patent relies on the source SMSC and when the second SMS router has finished its attempt, control must be passed back to the foreign SMSC and future message delivery would begin anew with respect to the destination system. Accordingly, given the fact that the Wilson patent does not specifically address replacing the HLR query response and that the system described in the Wilson patent specifically teaches away from doing so, replacing is not anticipated.

There are advantages of replacing the address as opposed to the prior art re-routing technique. One advantage, the transaction is truly transparent because the transaction remains between the source SMSC and the destination HLR. Another advantage, the SMSC has visibility of the actual status of a destination subscriber and therefore delivery of messages to detached subscribers works seamlessly. In addition, since the SMSC learns the actual status of destination subscribers, it will not attempt to deliver the SMS message to detached subscribers. Still further, due to keeping the original transaction process, the present invention works seamlessly with solutions, such as Mobile Number Portability (MNP) systems.

In the Wilson patent, as discussed previously, the transaction is broken, there is no transparency, and the SMSC will have to make an SMS delivery attempt for all subscribers including detached subscribers because status information is unknown to the SMS router (pseudo HLR) or, in the alternative, provisions in the form of extra processing and interfaces to the HLR will have to be provided to account for this gap.

Accordingly, Applicants submit that the Wilson patent fails to disclose each and every claim limitation, therefore, a *prima facie* rejection is not supported. Applicants submit that independent claim 1 is not anticipated by the Wilson patent. Reconsideration of the rejection of independent claim 1 is respectfully requested. Claims 2-19 and 21 depend directly or indirectly from and add further limitations to independent claim 1 and are believed to be allowable for at least the reasons discussed hereinabove in connection with independent claim 1.

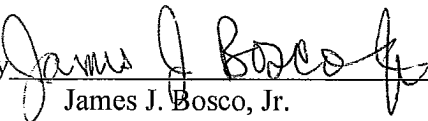
Further, Applicants submit that independent claims 20 and 25 are not anticipated by the Wilson patent. Reconsideration of the rejection of independent claims 20 and 25 is respectfully requested. Claim 27 depends directly or indirectly from and adds further limitations to independent claim 20 and is believed to be allowable for the same reasons. Claim 26 depends directly from and adds further limitation to independent claim 25 and is believed to be allowable for at least the reasons discussed hereinabove in connection with claim 25.

### **Conclusion**

For all of the foregoing reasons, Applicants submit that claims 1-27 are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of the pending claims 1-21 and 25-27 are respectfully requested. To the extent that the Examiner maintains his rejections in view of the arguments and discussions presented above, Applicants respectfully request an interview with the Examiner to discuss this matter, Applicants' position, and to move this case towards allowance.

Respectfully submitted,

THE WEBB LAW FIRM

By 

James J. Bosco, Jr.  
Registration No. 51489  
Attorney for Applicants  
436 Seventh Avenue  
700 Koppers Building  
Pittsburgh, PA 15219  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094  
E-mail: webblaw@webblaw.com